



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/300,042	04/27/1999	GREGORY B. THAGARD	3054/8	4009

22440 7590 01/24/2007  
GOTTLIEB RACKMAN & REISMAN PC  
270 MADISON AVENUE  
8TH FLOOR  
NEW YORK, NY 100160601

EXAMINER
----------

CHOW, DOON Y

ART UNIT	PAPER NUMBER
----------	--------------

2629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

09/300,042

Applicant(s)

THAGARD ET AL.

Examiner

Dennis-Doon Chow

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 14 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 32-34,36-48,51-60,62 and 64-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 32-34,36-48,51-60,62 and 64-67 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. In view of applicant's arguments, the finality of that action is withdrawn.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 32-34, 36-48, 51-60 and 65-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitch (5912653) in view of Burrows (5856029).

Regarding to claims 32-34, Fitch discloses an apparel for a wearer comprising: jacket; a flexible electronic display (abstract) associated with the jacket, wherein the display being an LED display (Fig. 7); a memory; a control member; selection member; and an input means (Fig. 6).

Fitch does not explicitly disclose how the display is constructed in the jacket.

Burrows, in the same display field, discloses integrating a polymer display in a fabric substrate (col. 5, lines 11-20, col. 6, lines 53-60).

In light of Burrows, it would have been obvious to one of ordinary skill in the art to use Burrows' concept in Fitch's invention so that the display can be made more flexible.

Regarding claim 36, Fitch further discloses the display is constructed to and arranged to show color images in response to said electrical signals.

Regarding claim 37, Fitch further discloses the control member generates electrical signals defining a static image on said electronic display.

Regarding claim 38, Fitch further discloses said control member generates electrical signals defining a dynamic image on said electronic display.

Regarding claims 51-53, Fitch further discloses the memory is arranged to hold data corresponding to several images and wherein said controller includes an image selector for selecting one of said images to be displayed (Fig. 6).

Regarding claims 40-41, Fitch further discloses the control member generates signals defining a monochromatic image on said electronic display.

Regarding claims 42, and 56-57, Fitch further discloses the control member generates signals defining an image composed of alphanumeric characters.

Regarding claims 43-48, Fitch's display can be attached to a garment which obviously includes a shirt, a vest, a hat, a belt, or a pair of suspenders.

Regarding claim 54, Fitch further discloses the image selector includes a timer to generate a timing signal and wherein said electronic display shows images in accordance with the said timing signal.

Regarding claim 56, Fitch further discloses image selector includes a keyboard for identifying an image to be displayed.

4. Claims 62 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gerber (5788500) in view of Burrows.

Gerber discloses apparatus for playing a war game comprising: a garment; an electronic display for displaying an image; a controller; a gun; and a sensor.

Gerber does not explicitly disclose the LED display formed on the jacket of a light emitting polymer formed of a light emitting polymer and a base formed of a layer of fabric.

Burrows, in the same display field, discloses integrating a polymer display in a fabric substrate (col. 5, lines 11-20, col. 6, lines 53-60).

In light of Burrows, it would have been obvious to one of ordinary skill in the art to use Burrows' concept in Gerber's invention so that the display can be made more flexible.

### ***Response to Arguments***

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

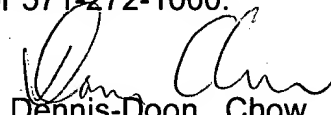
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis-Doon Chow whose telephone number is 571-272-7767. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2629

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Dennis-Doon Chow  
Primary Examiner  
Art Unit 2629

D. Chow  
January 20, 2007